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Attorneys for Defendant,
WIZARDS OF THE COAST LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL YALE, individually and on
behalf of others similarly situated,

Plaintiffs,

vs.

WIZARDS OF THE COAST LLC and
DOES 1 through 100, inclusive,

Defendant.

Case No. 15-CV-06337-EJD

*[Removed from Santa Clara Superior
Court Case No.: 1-15-CV-287452]*

**DEFENDANT WIZARD OF THE
COAST LLC'S NOTICE OF
MOTION AND MOTION TO
DISMISS PLAINTIFF PAUL
YALE'S FIRST AMENDED
COMPLAINT PURSUANT TO
FRCP RULE 12(b)(6)**

*(concurrently filed with Memorandum of Points
and Authorities and [Proposed] Order)*

DATE: June 9, 2016
TIME: 9:00 a.m.
CTRM: 4, 5th Floor

Complaint Filed: October 29, 2015
FAC Filed: January 19, 2016
Trial Date: None

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on June 9, 2016 at 9:00 a.m., or as soon
3 thereafter as the matter may be heard in Courtroom 4, 5th Floor of the above-
4 entitled court, located at 280 South 1st Street, San Jose, California 95113,
5 Defendant WIZARDS OF THE COAST LLC will and hereby does move this Court
6 to dismiss Plaintiff PAUL YALE's First Amended Complaint, including the first,
7 second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh causes
8 of action alleged therein, for failure to state a claim pursuant to Rule 12(b)(6) of
9 the *Federal Rules of Civil Procedure*.

10 The Motion will be based on this Notice of Motion and Motion, the
11 Memorandum of Points and Authorities filed concurrently herewith, the pleadings
12 and papers filed herein, and such oral and documentary evidence as may be
13 presented at or before the hearing of this motion.

14 DATE: February 2, 2016

FISHER & PHILLIPS LLP

16 By: /s/ Shaun J. Voigt
17 KARL R. LINDEGREN
18 SHAUN J. VOIGT
19 Attorneys for Defendant,
20 WIZARDS OF THE COAST LLC
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PROOF OF SERVICE
(CCP § 1013(a) and 2015.5)

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of FISHER & PHILLIPS LLP and my business address is 2050 Main Street, Suite 1000, Irvine, California, 92614.

On **February 2, 2016**, I served the foregoing document entitled **DEFENDANT WIZARD OF THE COAST LLC'S NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT TO RULE 12(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**, on all the appearing and/or interested parties in this action by placing ☐ *the original* ☒ *a true copy* thereof enclosed in sealed envelope(s) addressed as follows:

SEE ATTACHED MAILING LIST

☐ **[by MAIL]** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing this affidavit.

☒ **[by ELECTRONIC SUBMISSION]** - I served the above listed document(s) described via the United States District Court's Electronic Filing Program on the designated recipients via electronic transmission through the CM/ECF system on the Court's website. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **February 2, 2016** at Irvine, California.

Katie Costantino

Print Name

By:

Katie Costantino

Signature

MAILING LIST

| | |
|---|---------------------------------------|
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| Michael Malk, Esq. MICHAEL MALK, ESQ, APC 1180 S. Beverly Drive, Suite 302 Los Angeles, CA 90035 Telephone: (310) 203-0016 Facsimile: (310) 499-5210 Email: mm@malklawfirm.com | Attorneys for Plaintiff, PAUL YALE |